

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

SHORELINE FRUIT, INC.

Plaintiff

v.

Civil No. 07 CIV 9376

PARADISE PRODUCTS CORP., et al

Defendants

**STIPULATION AND ORDER**

Plaintiff, Shoreline Fruit, Inc., and Defendants, Paradise Products Corp., David Lax, Ina Lax and Andrew Lax, by and through their respective undersigned attorneys and authorized representatives, hereby stipulate and agree to settle this matter on the terms set forth below, and the Court hereby approves this Stipulation and enters the Order thereon.

1. Plaintiff is a trust creditor under the provisions of the Perishable Agricultural Commodities Act, 7 U.S.C. 499e(c), against defendants, on a debt in the principal amount of \$51,533.00 (the "Debt").

2. Defendants Paradise Products Corp., David Lax, Ina Lax and Andrew Lax, shall pay to Plaintiff, and Plaintiff shall accept, in full and final settlement of the Debt and all other claims and actions set forth in the complaint herein: (i) the sum of \$43,000.00 and (ii) Defendant shall make available for Plaintiff to pick up all one hundred four (104) of Plaintiff's totes and lids upon entry of this Stipulation and Order.

3. To effectuate the payment of the \$43,000.00, defendants' banking institutions, Bank Leumi Trust Company of New York, is hereby authorized and directed to pay the \$43,000.00 to Plaintiff from the accounts of defendant Paradise Products Corp. by issuing a cashier's check, or bank check, in the amount of \$43,000.00 made payable to Shoreline Fruit, Inc. and deliver it to Plaintiff's counsel, Bruce Levinson, 747 Third

Avenue, 4<sup>th</sup> Floor, New York, New York 10017-2803, upon entry of this Stipulation and Order.

4. Upon issuance and delivery of the cashier's check or bank check referenced in paragraph 3 above, the Order to Show Cause Why a Preliminary Injunction Should Not Issue and Temporary Restraining Order entered by the Court on October 23, 2007, shall be automatically released and dissolved.

5. Upon receipt of the full payment of \$43,000.00 and the totes and lids being made available for pickup Plaintiff shall prepare and file a Stipulation of Dismissal with this Court dismissing this action with prejudice without costs to either party.

Dated this 24<sup>th</sup> day of October, 2007.

IT IS SO STIPULATED.

SILVERBERG, STONEHILL  
GOLDSMITH & HABER, P.C.

LAW OFFICES OF BRUCE LEVINSON

By: /s/ Jay Silverberg  
Jay Silverberg  
111 West 40<sup>th</sup> Street  
New York, New York 10018  
(212) 730-1900

Attorneys for Defendants

By: /s/ Bruce Levinson  
Bruce Levinson (BL0749)  
747 Third Avenue, 4<sup>th</sup> Floor  
New York, New York 10017-2803  
(212) 750-9898

and

Louis W. Diess, III  
McCARRON & DIESS  
4900 Massachusetts Ave., N.W. Ste 310  
Washington, D.C. 20016  
(202) 364-0400

Attorneys for Plaintiff

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_  
United States District Judge